

REMARKS

Claim 16 is objected to under 37 CFR 1.75(c) as being in improper form due to references to Claims 4-7 and 10 in multiple dependent claim form. In response, Claim 16 has been amended to remove improper claim dependencies.

Claims 1-16 are rejected under 35 USC 101, the Examiner contending that the claimed invention is directed to non-statutory subject matter. In response, Claims 8 and 11 have been amended to include a further step --providing a resource allocation information notification message to other nodes--. Applicant submits that with such amendment, Claims 8 and 11 produce a "useful, concrete and tangible result," in that such additional step provides post computer processing activity and a direct recitation of a practical application in the technical arts as set forth in MPEP 2106 IVB2(b)(i) and (ii). It is noted that Claim 1 has not been amended. In this connection, it is unclear why Claim 1 is objected under 35 U.S.C. 101 since it already includes the step added to Claims 8-11.

Additionally, during a telephone conference with the Examiner on or about May 27, 2007, it was indicated that adding the --providing-- language from Claim 1 to the end of each of Claims 8 and 11 would remove the rejections of Claims 8 and 11 under 35 USC 101.

On April 10, 2007, the undersigned contacted the Examiner with approval for the foregoing amendment which had been proposed by the Examiner. At that time, the Examiner indicated that the present Office Action which was mailed April 6, 2007 had already issued.

In view of the foregoing, Application submits that all outstanding requirements have been complied with, and the claims pending for examination, namely Claims 1-16 are in condition for allowance, which early action is requested. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 7/2, 2007

By: EH

Eric S. Hyman Reg. No. 30,139

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 7/2/07.

Vi Hoang

7/2/07

Date